

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 19, 2009

COUNCIL DISTRICT: 6
SNI AREA: Burbank/Del Monte

SUBJECT: FILE NO. GP09-T-01. GENERAL PLAN TEXT AMENDMENT REQUEST TO CHANGE THE TEXT OF THE MIDTOWN SPECIFIC PLAN AND ASSOCIATED PORTION OF THE SAN JOSE 2020 GENERAL PLAN TO ALLOW: 1) INCREASE IN DENSITY FROM 100 DU/AC TO 125 DU/AC, 2) INCREASE IN MAXIMUM ALLOWABLE HEIGHT FROM 90 FEET TO 150 FEET SUBJECT TO FAA REGULATIONS, 3) CHANGES TO THE VASONA MIXED-USE SUBAREA URBAN DESIGN GUIDELINES INCLUDING, BUT NOT LIMITED TO, SETBACKS AND STREETWALL HEIGHT ON THE SITE LOCATED AT THE SOUTHWEST CORNER OF W. SAN CARLOS STREET AND SUNOL STREET.

RECOMMENDATION

The Planning Commission voted (7-0-0) to recommend that the City Council approve the proposed changes to the text of the Midtown Specific Plan and associated portion of the San Jose 2020 General Plan to allow: 1) Increase in density from 100 DU/AC to 125 DU/AC, 2) Increase in maximum allowable height from 90 feet to 150 feet subject to FAA regulations, and 3) Changes to the Vasona Mixed-Use subarea urban design guidelines including, but not limited to, setbacks and streetwall height for the subject 8.25 gross acre site.

OUTCOME

Should the City Council approve the General Plan Amendment, the applicant would be able to move forward with a Planned Development Rezoning on file to allow for a high density mixed-use project on the subject site.

BACKGROUND

On November 18, 2009, the Planning Commission held a public hearing to review the final Environmental Impact Report (EIR) for conformance with CEQA, and consider the proposed General Plan Text Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Text Amendment request for the reasons stated in the attached staff report. The project was on the public hearing calendar.

The applicant, Michael VanEvery with Green Republic LLLP, spoke on the item. He stated that the request to increase the height and therefore density, on a property that currently has a designation of Transit Oriented Mixed-Use, is consistent with the current and future General

Plan. He explained that the request would allow the Ohlone transit oriented development of up to 800 new residential units with up to 30,000 square feet of neighborhood serving retail, and include the dedication of four acres of public park land adjoining existing park land on Auzerais Street. He noted further that the development team worked to conduct extensive public outreach, including creating an interactive project website and conducting seven community meetings in 2009. He stated that he understood community concerns regarding architecture and site design, which would be addressed during the Planned Development Rezoning and Permit process. Following Mr. VanEvery, the project architect, Rob Steinberg spoke about the proposed urban architectural concepts for the future development of the site.

Planning environmental staff presented an overview of the Final EIR, which will be used to provide environmental clearance on a number of City actions, including the General Plan Amendments and pending Rezoning. Planning implementation staff presented an overview of the proposed General Plan Text Amendments.

The Planning Commission then took public testimony. There were twenty speakers on the item. Frank Sweeney expressed concerns about the premature consideration of increased height on the site, given the potential implications for airport operations. Several community members, including members of the Shasta Hanchett Park Neighborhood Association (SHPNA) and the Fiesta Lanes Action Group expressed concerns about the community outreach process for amending the Midtown Specific Plan; the objectivity of the traffic analysis; the repetitive design of the conceptual project massing; the proposed increases in height, density and traffic; the extent of proposed retail space and parking given the lack of an existing Light Rail Transit station adjacent to the site.

Members of the Willow Glen Neighborhood Association (WGNA) supported the concept of transit oriented development but stated that the Light Rail Transit station needs to be present at the site prior to approving the changes, and requested deferral of the EIR certification to further consider the proposed text amendments to the Midtown Specific Plan. A significant amount of written correspondence (attached) was also received.

Other community members spoke in support of the proposed amendments, stating that they would allow housing to support the Neighborhood Business District and revitalize the Midtown area in a location near transit and the downtown, therefore supporting a healthy life. Shiloh Ballard spoke in support of the project on behalf of the Silicon Valley Leadership Group, emphasizing that comprehensive planning efforts have acknowledged the tremendous growth that will come to the State and to San Jose, and that growth is best directed to Transit Corridors sites such as the subject site.

The applicant made closing comments. The Planning Commission then closed the public hearing. Planning environmental staff addressed speaker comments on the environmental document including, potential impact of height on airport operations, the City's independent traffic analysis and assumptions, and the results of the recently completed soil contamination analysis for the future park land.

Commissioners followed up with questions regarding the extent of allowable retail and park land associated with the requested changes. Planning staff responded that no changes are proposed to the 60,000 square-foot retail capacity for the larger Vasona subarea of the Specific Plan, and that the project proposes to construct fifty percent of that retail allotment.

Commissioners asked about the consistency of the requested density and height with the Midtown Specific Plan. Planning staff stated that the request for an increase in density is a result of the decrease in developable land given the project dedication of public and private streets, and the height increase is consistent with contemporary construction and design practices. In addition, the requested changes to the urban design guidelines for this unique opportunity site; located at a confluence of a transit line, retail district, park lands and trails; are consistent with the objectives of the Plan.

Commissioner Campos made a motion to find that the Final EIR conforms to the requirements of CEQA and to forward the certified Final EIR to the City Council for review and consideration. The Planning Commission then voted (7-0-0) to approve the motion.

Commissioner Campos then made a motion to recommend approval of the requested General Plan Amendments. Commissioners stated that this is an appropriate location for a mixed-use project at the proposed density. Several commissioners stated that they will watch the development of the project closely through the zoning process, stating the importance of this as a highly visible project with exceptional design, and a model of green building development. The Commission then voted (7-0-0) to approve the motion.

ANALYSIS

For complete analysis please see the original Staff Report (see attached).

EVALUATION AND FOLLOW-UP

The pending Planned Development Rezoning (PDC08-061) will be required to be approved prior to securing development permits with the Planning Division in order to implement the proposed Mixed-Use project on the subject site.

POLICY ALTERNATIVES

Should the City Council deny the requested changes, the site could be developed at the density and height of the existing Mixed-Use Land Use/Transportation Diagram designation.

PUBLIC OUTREACH/INTEREST

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Outreach for the proposed project conformed to the requirements of CEQA and City Council Policy 6-30 and a thorough discussion of specifics is contained in the staff report.

COORDINATION

This project was coordinated with the City Attorney's Office, Department of Transportation, Department of Public Works, Building Department, and the Fire Department.

FISCAL/POLICY ALIGNMENT

This amendment has been evaluated for its consistency with the San Jose 2020 General Plan as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

The project was the subject of an Environmental Impact Report (EIR), which was certified by the Planning Commission (7-0-0) on November 18, 2009. The EIR identifies the project would result in significant unavoidable traffic impacts for which there is no feasible mitigation. To approve the project, the City Council must adopt a resolution of findings required by CEQA concerning the project's impacts, mitigation measures, and alternatives, and a statement of overriding considerations identifying the project benefits that outweigh the significant impacts.


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Sally Zarnowitz at 408-535-7834.

November 18, 2009

Brian Ward
1498 Douglas Street
San Jose, CA 95126

Planning Commissioners

Dear Commissioners:

Due to an unavoidable conflict I will not be present at the hearing tonight. I urge you to vote against this project as it violates the Mid-Town Specific Plan and relies on faulty assumptions. I will hit the main points in the City's reply to my concerns.

1. Flawed EIR Scoping

In regards to the scoping meeting, it is obvious from the response to my email that City personnel knew about the extensive public meetings about this project but then decided to disenfranchise those people by ignoring them and not giving them notice of the scoping meeting. While technically they complied with the law they did not comply with the spirit of the law. This is why there is so much distrust among neighborhood groups and the City and why issues tend to be adversarial instead of mutual cooperation.

3. Housing

The City claims that there is a huge housing need yet the Mercury News seems to report the opposite indicating that all of the skyscraper residential towers are more at 25% occupancy instead of full occupancy. The Elements complex only consists of one building at the current time and is only six stories tall at its highest. It should also be noted that there are huge 30-50 foot banners offering huge cut rate discounts for the towers at St. James and Julian. Midtown needs more retail. We already have the people. Even the Planning Director admits that San Jose is under retailed.

4. Retail

The City claims that the area cannot support more retail because of it's proximity to Valley Fair and Santana Row, yet San Jose Marketplace which is just a few short miles away seems to be thriving. It is a huge fallacy that retail cannot be supported here. The problem is that nobody will build retail because they make more money from residential. Green Republic would do away with the retail in a second if they thought they could get away with it. All you have to do is take a look at the other projects that Barry Swenson (the green part of the partnership) is trying to develop.

5. Transit Projections are flawed

The City touts transportation is within 2,000 feet and that everybody will have no problems walking to it. However, how many people on crutches or in wheelchairs will travel that 2,000 feet? How many mothers or father with 2-3 kids under 5 will also make the trek. Just recently the Mercury New ran an article about the huge deficit that VTA has and it places a very big doubts about whether VTA can maintain their current level of service much less do all of the projects that they have proposed including rapid bus routes. In regards to the Light Rail Station just because the right of way has been reserved doesn't mean there will be any funding and in fact that station is at least \$2 million short of necessary funding. Additionally, how can workers use a reserved right of way to get to work? Unless there is a physical station nobody can use it. Green Republic is putting in all of the people claiming they will use transit but the transit is illusory and won't be used because those people can't use it now.

6. Light Rail

See discussion in #5

7. Transit Ratios

The City says that generic ratios are improper and not valid, yet the EIR is replete with the very same generic ratios used to justify parking and traffic. These generic ratios do not take into account the uniqueness of the area. Furthermore, the Mineta Transportation Study actually used 2 of VTA's light rail stations which makes it much more credible than the generic ratios

8-9 Transit Impact

The City is using the exact same generic ratios that they are complaining about in the other responses. These do not take into account the aging infrastructure and narrow streets in the area. Nor does it take in account the severe parking problems and traffic flow problems that already exist. The levels of service at all intersections are ranked D which is near gridlock. Certainly this project will have a huge impact.

The stadium needs to be included and it also needs to be planned for more than baseball. After all the alleged "AT&T Park" baseball only stadium hosts concerts, football games, and other events. There also is a huge shortage of parking spaces for the Pavilion which is near the stadium site.

I urge you not to approve this project and help preserve the Mid-Town Plan.

Sincerely,

Brian Ward
1498 Douglas Street
San Jose, CA 95126

Zarnowitz, Sally

From: stewart gilbert [the_gilbeys@att.net]
Sent: Tuesday, November 17, 2009 3:22 PM
To: Zarnowitz, Sally
Subject: VTA Towers

Dear Ms Zarnowitz:

The proposed change in plans to increase the housing density to 125 units per acre and to increase the building height to 150 feet at VTA Towers should not be permitted.

While we enthusiastically welcome the proposed transition from industrial to residential use, including the proposed development of retail facilities, the character of the the proposed change in residential density and in building height should be kept in harmony with the most recent density and height for recently constructed communities to the east (Monte Vista) and to the west (Saddle Rack). In summary, construction of such height and density would be more appropriate within the Central Business District.

Ellen and Stewart Gilbert
809 Auzerais Ave, Unit 328
San Jose, CA 95126
(408) 288-5827
C (408) 309-4563

11/18/2009

GREEN REPUBLIC LLLP

November 16, 2009

Mayor Reed Honorable San Jose City Council &
Chair Zito and Members of the Planning Commission
200 East Santa Clara Street
3rd & 18th Floor
San Jose, CA 95113

RE: The Ohlone Mixed-Use General Plan Amendment (GP09-T-01) and Environmental Impact Report (PDC08-061)

Dear Mayor Reed
Honorable San Jose City Council
James Zito and Planning Commission:

On November 18, 2009, and then on December 1, 2009, the Green Republic LLLP (GR) will be seeking Planning Commission and City Council approval of a General Plan Amendment (GPA) which will allow for height and density increases within the Vasona Sub Area of the Midtown Specific Plan (MSP) for the benefit of the GR project known as "The Ohlone". Accompanying the GPA will be a project specific Environmental Impact Report (EIR) which will require council certification.

The GR Team has worked for over three years with San Jose City Planning Staff, the Valley Transportation Authority (VTA) and the District 6 Community at large on a preliminary planning and public outreach process. We believe the project is consistent with both the current General Plan 2020 and future Envision 2040 and provides many benefits to the District 6 Community ranging from affordable housing to a large parkland dedication of four (4) acres. Finally, we believe that we understand key District 6 Community concerns regarding architecture and site design that will be addressed during the Planned Development (PD) Zoning and PD Permit processes.

History of the Project

Since 2006, the team of Republic Urban Properties and Green Valley Corporation (Barry Swenson Builder), known collectively as Green Republic have been processing what is one of the largest mixed-use projects in the history of San Jose. In 2006 GR was selected in a competitive, public bidding process by the VTA to be the developer of VTA owned property located at West San Carlos and Sunol Streets in Midtown San Jose. The VTA property today is a 5.25 acre vacant parcel that, in its current state, is blighted, contaminated and fenced off from any public use. The site was once home to the VTA bus maintenance and storage yard, and most recently, was used as a staging area and storage yard for the construction of the Vasona Light Rail line.

In 2007, GR acquired an additional 3.0 acres of private property that borders the VTA land, and now today, we own or control a total 8.25 total acres that stretches from West San Carlos Street

to Auzerais Avenue. Also in 2007, we began land planning activities with our development team lead by The Steinberg Group and HMH Engineers.

In early 2008, we conducted over six (6) meetings within the District 6 Community in accordance with the VTA Board of Director's request that we conduct a thorough public outreach process prior to signing a purchase and sales agreement with the Board. This community outreach process took over three (3) months, and then in May 2008, we signed a Purchase and Sales Contract with the VTA Board of Directors giving us the exclusive right to develop the VTA property. Concurrent with our public outreach, we began work on a site plan that would encompass the development guidelines of the MSP. We submitted a concept plan to the San Jose Planning Department as PD Zoning Application in late 2008, but learned that a GPA would be required as many planning factors had changed since the MSP was adopted in 1992, including the realignment of the Vasona Light Rail line.

In 2009, we began working with Planning Staff on an EIR and proposed text amendment changes to the General Plan. The proposed GPA will allow The Ohlone to be a modern, transit orientated development that could yield up to 800 new residential units with up to 30,000 square feet of neighborhood serving retail. It will also dedicate a four (4) acre off-site park that would adjoin existing city land on Auzerais Street to form an even larger park. We conducted seven (7) community meetings in 2009 which were sponsored and attended by City Planning and Public Works Staff as well as operations and development staff of the VTA to explain the Vasona Line operations including the proposed Light Rail Transit (LRT) Station at West San Carlos Street.

General Plan Amendment

A critical fact about The Ohlone is that the property currently has a General Plan designation of Transit Oriented Mixed-Use which would allow for high density residential with, mixed-use commercial. We believe this to be an important fact as it relates to our proposed GPA because this area of San Jose has been designated for high density development since 1992. The current MSP guidelines, within the Vasona Mixed-Use Subarea, allow for building heights up to 90 feet with densities of 100 dwelling units to the acre. GR is requesting to change the General Plan to allow 150 ft in height with and an increase in density to 125 units to the acre. The GR GPA request **will not alter or increase** the current MSP "cap" of 2,940 residential units.

The proposed GPA request is meant to assist the developer by allowing flexibility that will enable high quality design and deliver the best Transit Orientated Development (TOD) project in San Jose. The GPA will give the developer the "tools" to add building height that will result in community benefits including, more open and green space between buildings, the creation of a "healthy neighborhood/lifestyle" and increased ridership on public transportation network. The ultimate goal of The Ohlone is to reduce carbon emissions by creating a community where people can live, work and shop without having to get into their cars.

The requested GPA for additional height and density is consistent with both the existing General Plan 2020 and with the proposed Envision 2040 General Plan. In fact, the 2040 Task Force is calling high density planning areas like The Ohlone "transit villages". This definition is because the ultimate goal of the 2040 is to locate housing, retail and jobs along major transportation corridors such as West San Carlos Street. The proposed GPA is also consistent with the following key "Plans and Policies" in GP 2020 and MSP:

➤ **Midtown Mixed-Use Sub Area Policies**

- *4.1: Discouraging low intensity uses in Vasona Subarea*
- *4.2: Innovative housing types are encouraged*
- *4.4: active ground level commercial uses on West San Carlos Street*
- *4.5: promote and preserve pedestrian transit*

➤ **Sustainable City Major Strategy**

- *Balanced Community Policy #2: Varied densities and housing types distributed throughout the community within existing transportation system.*
- *Residential Land Policy #1: In TOD Corridors, encourage high density housing and mixed use in close proximity to existing and planned transit routes.*
- *Housing- Distribution Policy #1: Where appropriate, the implementation of large scale development projects should be considered.*

➤ **GP2020, Chapter V Special Strategy Areas - Transit Oriented Development: TOD**
Corridors such as West San Carlos Street are classified,

"...to acknowledge the natural tendency toward development intensification in prime areas and to channel that development into areas where intensified uses and public transit will be mutually supportive and will help create vibrant pedestrian neighborhoods".

The Ohlone is good example of this TOD policy with:

- Parcels currently zoned and envisioned in the MSP as "transit oriented mixed-use"
- Two existing Light Rail Stations within walking distance (Race & Diridon)
- Future California High Speed Rail Stop at Diridon Station
- Future BART stop at Diridon Station
- Existing Caltrain and ACE train service at Diridon Station
- Three existing VTA bus lines serve the site
- Future Bus Rapid Transit Line along West San Carlos Street
- Future West San Carlos Light Rail Station across the street
- Within a Strong Neighborhood Association- Burbank-Del Monte
- Within San Carlos Business District (RDA) which emphasizes mixed-use next to transit

The Ohlone: "A Concept Plan" For the General Plan

The Ohlone project illustrations and site plan are conceptual and by no means reflect the final design of the project. Our conceptual site plan should be viewed by all affected parties including the city, its staff, the local media and the community at large, as a development "tool" to assist us with the California Environmental Quality Act (CEQA) process, while illustrating massing, height and density for the purpose of a GPA. The developer has specifically left out detailed site planning and architecture at this stage in the development process because it is neither required, nor economically feasible to proceed forward with additional design without approval of the City. Once the EIR and GPA are approved/certified, the developer will proceed forward to PD Zoning/PD Permit design which we believe will allay many community concerns on the issue, and allow for additional community dialogue within the city sponsored planning process.

To illustrate our current conceptual concept, we have developed a site plan that shows three (3) buildings with a maximum building height of 160 feet accompanied by four (4) and five (5) story low rise buildings over what is a 8.25 acre site. It is anticipated that the build out of the overall project will take place in three (3) to five (5) phases over a seven (7) to ten 10 year period. We will be proceeding forward with PD Zoning and PD Permit/Tentative Map in 2010 and we anticipate the first phase of construction (market conditions aside) to begin in 2012 with occupancy by 2014.

Phase I would include one 14 story, 150 foot, mixed-use building along West San Carlos Street that would house 15,000 feet of street-front retail space along with 125 to 150 units. Additional units numbering 75-100 would be housed in a low rise buildings located next to the 14-story structure. Overall, it can be anticipated that each phase of the proposed development, could yield a total of 200-300 units for a maximum of 800 total units, along with up to 30,000 of square feet of neighborhood serving retail-restaurant-entertainment.

Below are some other important facts that relate to the concept plan:

- **Market and BMR Units:** 800 total residential for sale condo and/or for rent apartment units. Twenty Percent (20%) or 160 units of 800 will be Below-Market-Rate pursuant to San Jose's Inclusionary Zoning Ordinance and CA Redevelopment requirements. We anticipate working with a non-profit home builder to assist the development of these units onsite.
- **Retail:** A total of 30,000 square feet of neighborhood serving retail space along West San Carlos and Sunol Streets. This planned amount of retail-restaurant-entertainment square footage within the proposed *represents 50% of the planned retail within the Vasona Sub-Area (see MSP page 44-Figure 14)*. Proposed retail uses will range from family style restaurants to small neighborhood supporting shops like small "fresh" markets, deli's and a possible clothing store. Phase I of the development will deliver

15,000 feet along West San Carlos Street. Strong retail design elements along West San Carlos Street will be used to make the retail visually appealing as residential units will not be built above the retail space providing the look and feel of a stand alone retail project. The retail will also include practical design features such as 55-foot retail depths divisible for into a minimum of 1,000 square feet bays. Retail bays will have 15-17 foot ceiling heights which will give maximum volume for a quality shopping experience. The developer envisions entertainment uses which means specific retail bays will be designed with adequate mechanical and ventilation systems as well as grease traps. Parking stalls will be at ground level allowing for direct access from the front and back of the building.

- **Parking:** A minimum of 1.5 parking stalls per residential unit will be provided as part of the City's minimum development standards. Retail uses will have one parking stall per 200 square feet of retail development. Depending on the total amount of units built, the project will have approximately 1,200 parking stalls or 1.8 parking stalls per unit if retail and guest parking is included. The project will also have a substantial amount of new on-site street parking which is not a part of the 1.8 calculation of parking stalls per unit.
- **Parkland:** GR will be dedicating a four (4) acre park at Auzerai Avenue and Sunol Street. The property is currently occupied by a warehouse owned by Barry Swenson Builder. As part of our Phase I development, GR will be dedicating this four (4) acre parcel to be joined with the 2.25 acre dedicated land by KB Homes. Combined, a new park of approximately six (6) acres will be created. The dedication by GR, along with credit for onsite open space and amenities, will fulfill the Parkland Dedication Ordinance requirement for the project. We will be also working with Parks and Recreation Staff on the possibility of a "turn key" agreement to allow the construction of the park to be completed along with the first Phase of the Ohlone project.
- **Sustainable Design:** A full complement of "Green" features will be included in the development to promote solar energy, water conservation and reusable materials, which will contribute toward the Build it Green GreenPoint rating system that has been adopted by the City of San Jose. Additional programs ranging from distributing VTA Eco Passes to working with ride share programs such as "Zip Car", will be part of the overall theme of the project: to promote transit and "healthy communities". A strong emphasis on pedestrian and bike trails and open space inside and outside of the development will be woven together to provide clear and safe access to the Los Gatos Creek Trail and the bike lanes on Auzerai Street.
- **Pedestrian/Bike movement:** The project will emphasize pedestrian circulation using:
 - 15-Foot public and private sidewalks along West San Carlos and Sunol Streets as well as Auzerai Avenue.

- A new “spine” street which will allow pedestrian access directly through the project from West San Carlos Street to Auzerais Avenue
 - Widening of Sunol Street to allow a safe biking experience from West San Carlos Street to Auzerais Avenue
 - New stop light and crosswalks at West San Carlos and Sunol Streets as well a new pedestrian crosswalk at Sunol Street and Auzerais Avenue
 - Over \$200,000 in transit fees related to the City’s “Protected Intersection” policy that can go towards identified “pedestrian” improvements in the Burbank-Del Monte
 - Exceptional open space, plazas and pedestrian only walkways
- **Private Open Space:** The project will emphasize pedestrian friendly onsite walkways using linear open space. Most residents will have balcony space. Rooftop terraces and gardens will be used in the main buildings along with pools and community, entertainment and exercise rooms for individual residents.
- **Economics:** The project will have a positive impact on the surrounding city.
- Tax revenue from infill high density residential is revenue neutral or positive to pay for city services like police and fire
 - The estimated \$350 to \$500 million investment in San Jose will create a significant number construction jobs.
 - The 30,000 square feet of neighborhood serving retail will be a continuing source of employment

Community Outreach and Community Issues

Over the course of 2006 through 2009, we have met 15 times publicly with neighborhood organizations, Neighborhood Action Committees and business organizations. Given the size and complexity of the proposed project, and because a public agency (VTA) is also the land owner, the GR team conducted a thorough community outreach process. To be proactive and transparent, we created a web based program that works to identify a data base of interested residents and businesses and a dedicated website (www.GreenRepublicSJ.com) that has been available since 2008. The website illustrates important dates, San Jose City planning processes and overall information on the project.

The District 6 Community has been very active in the public outreach process for this project and attendance has been excellent at most if not all community meetings. Below are some of the key community and neighborhood concerns that the developer believes are the largest issues that were raised as part of our community outreach. Many of these concerns have also been addressed in EIR process.

- **Design:** Most if not all community activists and affected District 6 neighbors are concerned about the final design of the project. We believe this to be a valid a

concern as the future of TOD in San Jose outside of the Downtown will need to be distinctive and appealing to both the new home buyer/renter and the surrounding neighborhood. It must be strongly noted that we are **In the General Plan Amendment Stage** and that the design process will **Begin at the PD Zoning**. The site plan that we have provided is a conceptual design only to illustrate the proposed GPA height, density and setbacks as well as the circulation pattern and the dedication of the four (4) acre park. We intend to start the preliminary architecture design immediately after the approval of the GPA which will include additional community outreach to insure a thorough design process that results in a "land mark" type new development that will incorporate San Jose's past, present and future.

- **Retail:** Many residents have expressed opinions about the project delivering more retail space. We believe the Ohlone proposed 30,000 square foot of retail space is very aggressive as there is abundance of existing retail (commercial and retail) that currently exists along West San Carlos Street. The Ohlone plan is consistent with the Midtown Specific Plan, the West San Carlos Business District and the San Jose Redevelopment Area plans. As part of Phase I development, the proposed project will deliver up to 15,000 square feet of neighborhood serving retail along West San Carlos Street with adequate bay depths, grease traps and plate heights to attract strong local, regional and national retail users. Finally and most importantly, 30,000 square feet of retail represents **50% of the planned total retail-restaurant-entertainment square footage in the Midtown Specific Plan Vasona Sub-Area (Figure 14 – Development Program-MSP page 44).**
- **Future VTA West San Carlos LRT Station:** GR has been working in coordination with VTA and City of San Jose Planning and DOT Staff to insure a LRT Station is delivered at the dedicated land at the KB Home Monte Vista new home development (near intersection of Auzerais Avenue and Sunol Street). GR is obligated to contribute \$1 million towards the construction of the LRT Station and or improvements along that line. Currently, the City and VTA are working on a "Memorandum of Understanding" that will insure a solid timeline for delivery of the station. It should be noted that the current Diridon and Race Street LRT stations are within 2,000 feet of the development which is within the TOD guidelines of development.
- **Parking:** The project will provide 1.5 parking stalls per unit which meets the City's parking standards. We believe this project is about "transit" and "healthy communities" and parking should not be a concern as it is the goal of this development, the city, and the county, VTA, the State and the Country to reduce auto dependence in our urban cores. Ride sharing programs (Zip Car), Eco-passes and bike facilities will insure a measured attempt to facilitate alternative forms of transportation.

- **One Engine Inoperative (OEI):** The project will conform to designated height contours as associated with the OEI study. This issue will be finalized at the PD Zoning stage through the Planning Director's recommendation.
- **Height and Density:** Many residents have been concerned about the proposed 160 feet height request as part of the proposed GPA. We believe the height is consistent with TOD guidelines both locally and nationally. The height is a good planning tool to create more green, and open space. Our density request of 125 du/ac is consistent with TOD design and development. The MSP calls for a total unit cap of 2,940 units which The Ohlone will not exceed.

As noted, the GR Team intends to conduct additional community outreach in which these and other issues can be discussed in more detail as most if not all the above relate to the PD Zoning and overall design process.

In conclusion, the City of San Jose is still very short of attractive, affordable places to live, and the construction of mixed-use, TOD projects will not only help remove people from their cars, but it will also support a public investment in the VTA Light Rail System as well as the future High Speed Rail and BART to Downtown. The Ohlone represents a development of the future San Jose Envision General Plan where transit "villages and hubs" will be developed to not only increase transit ridership, but to create a healthy living where people can walk, run or bike to work.

The Ohlone fits the state-wide model for TOD "success" as it is close to existing and future transit, it provides maximum density for more residents to live work and play in a quality urban surrounding, it provides a mix of land uses including housing retail and open space, which encourages walking and shopping, and it will be a creative design insuring green, innovative architecture that blends the past, present and future of San Jose urban living. Although at a very preliminary stage, The Ohlone GPA request has earned the support of the West San Carlos Business District and the Silicon Valley Leadership Group's Housing Action Committee. Finally, The Ohlone has been called an "Excellent example of TOD" by Executive Director Rod Diridon, Sr. of the Mineta Transportation Institute.

Our goal as Green Republic is to continue forward and process this exciting new investment in the City of San Jose. To date, we have invested over \$2 million in the project, and at its build-out, The Ohlone will represent a \$250-350 million over investment in the City of San Jose. In these economic times of the Great Recession, this represents massive economic stimulus to the City, the County and the State.

November 16, 2008
Green Republic LLLP
The Ohlone GPA and EIR
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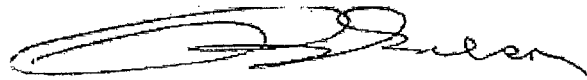
We respectfully urge your approval on the following approvals/certifications:

- 1) **General Plan Amendment**
- 2) **Certification of the Environmental Impact Report.**

Regards,



Michael R. Van Every, Project Executive
Green Republic LLLP



Barry Swenson, General Partner
Green Republic LLLP

CC: Joe Horwedal
Laurel Prevetti
Daryl Boyd
Mike Enderby
Sally Zarnowitz
Akoni Danielson
Dipa Chunder
Karen Mac
Richard Keit

Attachments: Letters of Support
Proposed General Plan Amendment
EIR Summery
Midtown and Ohlone Overview Map



Santa Clara County Housing Action Coalition



The Santa Clara County Housing Action Coalition is comprised of a broad range of organizations and individuals who have, as a common goal, the vision of affordable, well-constructed and appropriately located housing

November 9, 2009

Planning Commission
City of San Jose
200 E. Santa Clara
San Jose, CA 95113

Dear Members of the San Jose Planning Commission,

On behalf of the Santa Clara County Housing Action Coalition, we are writing to express our support for the general plan amendment sought by by Green Republic for their proposed project located at West San Carlos and Sunol Streets.

By way of reference, the Housing Action Coalition includes more than 100 organizations and individuals. Its goal is the production of well-built, appropriately-located homes that are affordable to families and workers in Silicon Valley. Organizations participating in the HAC represent business, labor, environmental organizations and many more.

The San Carlos corridor is an incredible opportunity to bring more intense, pedestrian friendly, well designed mixed uses to San Jose. This site represents one of those opportunities and as the first of hopefully, many soon-to-come revitalization efforts along San Carlos, must be done in a way that sets the standard for future development. Fortunately, GR is on the right track.

The Housing Action Coalition is particularly pleased to see the proposal address three main Coalition concerns.

Transit Access: The site is located within walking distance of what is envisioned to become a major transit hub in the Bay Area, the Diridon Station. The short ten minute walk to get to the Station means future residents will have access to the East Bay, the Peninsula and everything in between, not to mention destinations along the high speed rail corridor.

However, as our culture transitions away from automobile centrality, it is not enough to simply locate height and density proximate to transit. Buildings must be designed in ways that facilitate walking, creating a pleasant pedestrian environment that entices people to stroll to the station. As well, amenities for future residents such as an ecopass can be a tremendous asset in helping to change transportation behavior. Although these kinds of details are not handled at the general plan level, it is our understanding that GR intends to do both. We strongly support the provision of ecopass to residents as well as quality design that facilitates walkability.

Green Building: The Housing Action Coalition was also pleased to learn that this proposal intends to comply with green building standards. Again, although those kinds of details are not dealt with at the general plan level, we do encourage the planning commission and city council to ensure that this proposal minimizes its overall impact on the environment through the use of green building practices. As mentioned above, proximity to transit and the provision of ecopass to residents can play a significant role in limiting the environmental impact of future residents.

Community Outreach: Our organization endorses many development proposals and testifies on their behalf all across the County. In many cases, opponents to the proposed development show up in great numbers, motivated by fear of the unknown. With the projected growth of Silicon Valley, communities that successfully oppose housing ultimately serve to damage the environment, the economy and community. Afterall, the growth doesn't evaporate. It goes somewhere else, often times following the path of least resistance, taking the form of an unsustainable type of growth called sprawl. For these reasons, it is incredibly important that developers and cities take the community outreach piece of their work very seriously. Change is scary in any community and when not done well, makes it even more difficult to accommodate the projected growth in a manner that benefits our community, environment and economy.

We have been heartened by GR's deliberate and thoughtful approach to community engagement and encourage an ongoing commitment to working with the community to alleviate fears, address real concerns and pave the way for future development in this important area.

With the City and region's projected growth, our challenge is to figure out where to appropriately direct that growth. This site is close to downtown, close to a major transit hub and represents one of those appropriate places. It is exactly where we, as a community, should be building more intensely.

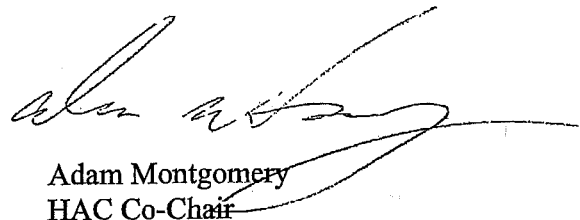
We support this general plan amendment and look forward to following this proposal as it moves from high level ideas and concepts to real project details.

Thank you for your consideration of our comments.

Sincerely,



Margaret Bard
HAC Co-Chair



Adam Montgomery
HAC Co-Chair



Tuesday, November 10, 2009

Mayor Chuck Reed and Councilmembers,
Planning Commissioners
200 East Santa Clara Street
San Jose, CA 95113

RE: Conceptual Support for Ohlone Mixed-Use Development

Mayor Reed and Members of the City Council and Planning Commission:

For over 50 years, Greenbelt Alliance has worked to protect the Bay Area's iconic landscapes while making the Bay Area's cities and towns better places to live. We write to you today to share our support of the preliminary framework that Green Republic has offered for the Ohlone development, proposed for the large site that includes VTA property at West San Carlos and Sunol Streets. We look forward to learning more about the project with the hope that as it advances, it will earn our full endorsement. Greenbelt Alliance encourages you to approve the amendments to the General Plan that makes this project possible, as a first step in allowing this project to achieve its impressive potential.

Greenbelt Alliance is encouraged to see a proposal for compact development in such close proximity to multiple transit options, with an emphasis on reduced parking to ensure the new community is oriented around transit rather than cars. We applaud the retail element of the project as a way to discourage driving; to whatever extent it is viable, we would like to see mixed land uses here to make this community more vibrant and lively. Other elements of the project, such as the opportunity to achieve remediation of a vast brownfield in a key location and the promised dedication of a new four-acre public park nearby, give us additional confidence that Green Republic is headed in the right direction.

In closing, we urge your support of the General Plan amendments to the allowable height and compactness on this site. It is our hope that this development will be a profound gain for the Midtown area and for San Jose as a whole.

Regards,

marla wilson

Marla Wilson
Sustainable Development Associate

CC:
Sally Notthoff Zarnowitz

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Applied Materials

Established in 1978 by

DAVID PACKARD

November 12, 2009

Planning Commission
City of San Jose
200 East Santa Clara
San Jose, CA 95119

Dear Members of the Planning Commission,

On behalf of the Silicon Valley Leadership Group, I am writing to express support for The Ohlone, a mixed use proposal near Sunol and San Carlos by Republic Urban Properties.

The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents more than 300 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide more than 250,000 local jobs, or one of every four private sector jobs in Silicon Valley.

San Jose has been a leader in providing housing for the workers of Silicon Valley. The Ohlone proposal represents an opportunity to continue that leadership and is a sound development proposal for a number of reasons including proximity to transit, jobs, services and downtown. It also represents an opportunity to demonstrate the City's commitment to the overall vision expressed through comprehensive planning efforts such as ABAG's Focus and the City's General Plan Update. It is through those efforts that we have collectively acknowledged the tremendous growth that will come to San Jose and have decided, as a community, where that growth is best directed. The Diridon area and San Carlos corridor are the places to direct new growth.

Although this proposal is early in the process, we absolutely support a more intensive residential use on the site. We also strongly encourage the developer and city to continue to do a good job engaging the community and other stakeholders in the process. Diridon and the immediate area are of regional significance and as a result, it is of utmost importance to partner with the immediate neighbors as well as community-wide stakeholders. There are many details that will need to be worked out, details that will ensure that the end result is a model for walkability, transit-orientation and serve to pave the way for future, more intensive developments in the corridor.

Thank you for your consideration of our comments. We look forward to providing additional feedback as this proposal moves through the process.

Sincerely,



Carl Guardino
President & CEO



MINETA
TRANSPORTATION INSTITUTE
Created by Congress in 1991

SJSU Research Center
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San Jose, CA 95112

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October 15, 2009

Joe Horwedal, Deputy Director
City of San Jose
Planning Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Re: Green Republic LLLP-The Ohlone Mixed-Use
Development at Midtown

Dear Mr. Horwedal,

As the Executive Director of the Mineta Transportation Institute (MTI), I can state, after careful review, that the proposed General Plan Amendment for the Ohlone Project is an excellent example of Transit Oriented Development (TOD). As a matter of policy, and as a federally funded University Transportation Research Center, MTI is not able to serve as an advocate for an individual project. However, I would like to identify the many ways in which the concepts espoused in the general plan amendment are positive and represent an "In-Fill" application of the type of research that MTI conducts. Specifically, the project site is within a short walk of commuter and light rail and is well served by several bus routes while being somewhat buffered from the surrounding single family community. The inclusion of retail and residential space, coupled with proximity to transit, pedestrian walkways, and bicycle paths are consistent with the theory that development should occur near transit. Furthermore, as outlined, the proposed plan is compliant with San Jose's Green Building Policy and includes several environmentally sustainable features.

All of these factors are consistent with the research findings that suggest that TOD decreases dependence on a car for mobility and survival.

Thank you for your time and consideration.

With warm regards,

RD - ac
Rod Diridon, Sr., Executive Director
Mineta Transportation Institute (MTI)
210 N. Fourth St., 4th Floor
San Jose, CA 95112
408-924-7560
diridon@mti.sjsu.edu



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Marla Wilson
Greenbelt Alliance

Jeff Wood
Reconnecting America

November 13, 2009

Sally Notthoff Zarnowitz
City of San Jose Planning Commission
200 East Santa Clara Street
San Jose, CA 95113

Dear Ms. Zarnowitz,

For the last 11 years, TransForm has been working for walkable communities and world class public transportation in the Bay Area and beyond. TransForm recently selected The Ohlone development project to participate in our newly developed GreenTRIP certification program. The Ohlone will be one of the first five pilot GreenTRIP projects.

GreenTRIP is a certification program for new development focused on the Traffic Reduction and Innovative Parking aspects of a project. TransForm developed GreenTRIP with input from our Advisory Committee, which consists of a diverse set of stakeholders shown to the left.

The purpose of the GreenTRIP program is to recognize projects that provide low traffic development through appropriate density, proximity to transit, services and job centers, and the most effective Traffic Reduction and Innovative Parking strategies.

Each GreenTRIP certified project must meet three certification criteria:

- Projected Vehicle-Miles Traveled per household, as modeled by the URBEMIS trip generation model
- Appropriate Parking Ratios
- Traffic Reduction Strategies

These criteria are customized for the appropriate Place Type, as defined by the Metropolitan Transportation Commission. This project is located in a Transit Neighborhood Place Type, so in order to receive a GreenTRIP certification the project must demonstrate that it will have:

1. No more than 35 VMT/HH
2. No more than 1.5 parking spaces per unit.
3. At least 1 of 3 Traffic Reduction Strategies: unbundled parking, free carshare membership or 50% discount on transit passes.

For details about the GreenTRIP program, including this first pilot test, please visit: www.TransformCA.org/GreenTRIP.

We will evaluate this project and work with the developer to determine which traffic reduction strategies are most appropriate. We will contact you by the end of the month, if we determine the project meets GreenTRIP certification.

If you have any questions, please feel free to contact me at 510-740-3150 x316 or ann@TransformCA.org.

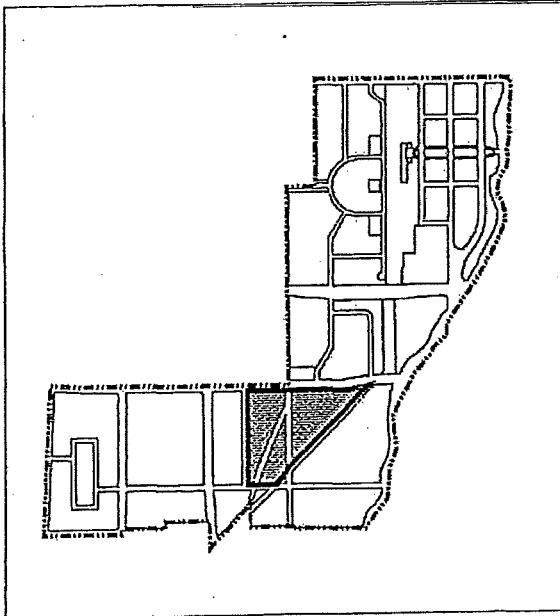
Sincerely,

Ann Cheng, Senior Planner

PROPOSED MIDTOWN SPECIFIC PLAN TEXT AMENDMENTS

The following text changes should be made on pages 78, 79 and 81, in the Land Use and Urban Design: Vasona Mixed-Use Subarea Chapter of the Midtown Specific Plan:

Vasona Mixed-Use Subarea



The future development of the Vasona Mixed-Use Subarea is guided by the policies and urban design guidelines found in this section of the Midtown Specific Plan. In the event that a policy or guideline in this Subarea Section conflicts with the overall Specific Plan general policies or guidelines, precedence should be given to the verbiage found within this Subarea.

OBJECTIVE 4: Create a high-density mixed-use activity center surrounding the future West San Carlos Station of the Vasona LRT corridor.

The Vasona Mixed-Use subarea includes the 5.2-acre County-owned property, the 5.6-acre Cheim Lumber site, and properties between Sunol Street and the future Vasona LRT line (the current Union Pacific right-of-way). Because of the reuse opportunities presented by the two major property holdings and the planned construction of light rail transit along the Union Pacific corridor, this area is well suited for the introduction of higher density residential and/or commercial uses which promote transit patronage and create a node of activity around the planned transit station at West San Carlos and Sunol Streets. The plan particularly encourages innovative development with a mixture of residential and commercial uses.

POLICY 4.1: Low-intensity uses should be discouraged within this subarea.

In order to create a more intensive use of lands within walking distance of the planned Vasona LRT corridor and the West San Carlos Station, new development should achieve the minimum density requirements of the plan. For instance, housing densities should be at least 40 dwelling units per acre to establish a significant resident population in the vicinity of the station. While commercial development will be permitted at densities as low as 0.5 FAR, such development should be configured in a manner that would allow for future intensification to greater densities through the development of surface parking areas or through building additions and upper levels. The plan particularly encourages innovative development with a mixture of residential and commercial uses.

POLICY 4.2: Innovative and alternative housing types are encouraged within the area.

Because of the industrial and service commercial uses that surround this area, the plan encourages the consideration of alternative forms of housing that would further enhance the residential diversity of Midtown. In addition to traditional high-density multi-family housing, the area could support: single room occupancy hotels that serve the needs of downtown workers and senior citizens, special purpose and/or cooperative housing for particular groups or interests, and live/work housing provided within new structures.

POLICY 4.3: The major focus of this area should be the planned LRT station and an active pedestrian plaza connecting it with West San Carlos Street.

POLICY 4.4: Active ground-level commercial uses should be oriented to West San Carlos Street and to the proposed pedestrian plaza and LRT station.

In order to promote the visibility of transit within this area and create an active pedestrian environment leading to the planned LRT station, the plan calls for development to be set back to create a plaza flanking the Sunol and West San Carlos Street intersection. Further, the plan calls for buildings to strongly define this open space and provide ground-level activities that will promote active use throughout the day and night (e.g., shops, restaurants, neighborhood-serving uses). Active uses are also encouraged along the West San Carlos Street frontage to reinforce the Neighborhood Business District.

POLICY 4.5: *Parking and servicing facilities should be oriented away from pedestrian and transit areas and/or integrated within development in a manner that preserves the pedestrian continuity of the area.*

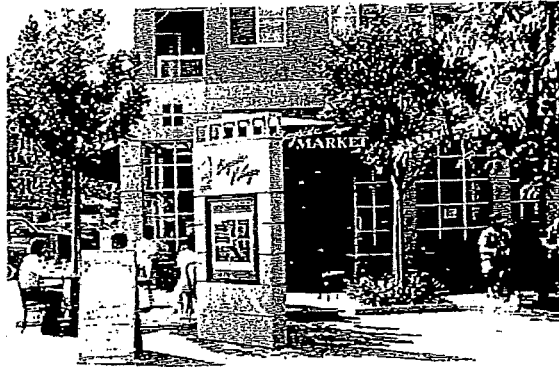
The pattern of development within the Vasona Mixed-Use subarea should, to the extent possible, reinforce the transit core of the area by locating parking structures and surface facilities away from the LRT station and transit plazas.

Urban Design Guidelines

Height and Massing

Maximum Height: Buildings within the Vasona Mixed-Use subarea on the east side of Sunol Street should not exceed 90 feet in height. Buildings on the west side of Sunol St. should not exceed 150 feet in height, or the maximum allowed by applicable FAA regulations. The plan encourages that the greatest concentration of height be reserved in immediate proximity to the future LRT station and the proposed plaza along West San Carlos Street for mixed-use and transit-oriented projects that exceed a density of 90 DU/AC.

Streetwalls and Stepbacks: The height of streetwalls should be scaled carefully to promote a comfortable pedestrian environment and create continuity and coherence along public streets. New mixed-use residential and commercial developments should have a maximum streetwall height of 40-65-feet. Development above this height should be stepped back by approximately five feet for a minimum of 50 percent of the frontage and be accompanied by architectural expression



An active plaza is encouraged at the future West San Carlos LRT Station.

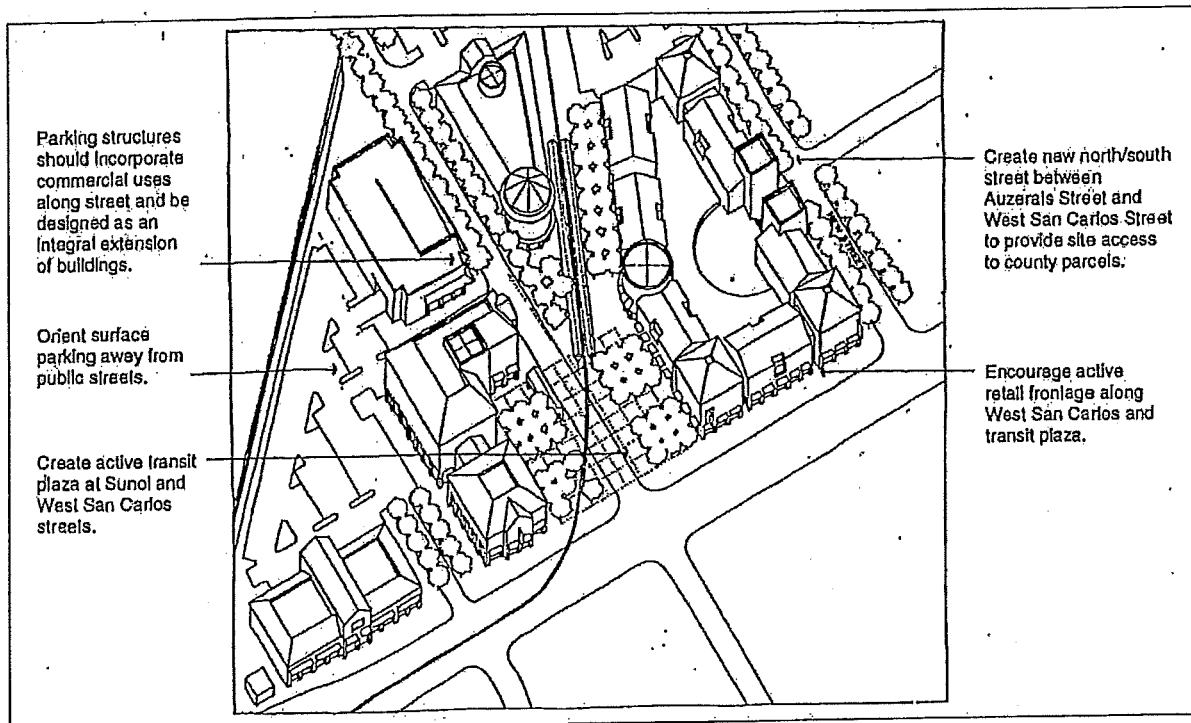
(e.g., loggia, deck, cornice, sloping roof, etc.). Development along streetwall can occur up to 65 feet along the new street between Auzerals and W. San Carlos Street. Development above 65-50 feet in height should be restricted to taller tower elements located at key locations within the development, (e.g., at the Sunol-West San Carlos Street intersection fronting on the plaza), with separation between facing windows of at least 60 feet and offset building forms to promote views.

Setbacks and Build-to Lines

Setbacks along West San Carlos Street: To promote well-defined and active street frontages within the West San Carlos Neighborhood Business District, development should generally build to, or very near, the property line along West San Carlos Street.

Setbacks to Create Plaza at Sunol and West San Carlos Street: Development located at the intersection of West San Carlos and Sunol Streets should be set back from each street by approximately 40-100 feet to create a corresponding plaza leading to the future light rail station, relating to retail uses.

Setbacks to Create a New Local Road Between West San Carlos and Auzerals: Along the western edge of the County property, new development should be set back 70 feet to allow for the construction of a north-south street that will provide separation between potential residential/commercial uses and existing and future industrial and service commercial



West San Carlos LRT transit plaza

activities. As discussed in the Circulation Element, this road will also provide the County property with its principal access and on-site circulation between West San Carlos Street and Auzerals Avenue.

Setbacks Between Residential and Nonresidential Uses: The interfaces between residential and nonresidential uses must be carefully designed to protect privacy and quiet for residents, and freedom to conduct commercial and existing industrial activities for business operators, to the greatest degree feasible given the incompatibilities inherent in the relationships.

The fine-grained mix of residential and commercial development planned for the area presents some difficult interface issues which cannot be addressed by primary reliance on setbacks for compatibility between uses. While setbacks are still appropriate, compatibility between uses should be based on the relationship of activities. Window and door openings, particularly nonresidential doors, along residential/nonresidential property lines should be kept to a minimum (residential side) or substantially avoided (nonresidential side). Unless side walls have no openings, all

development should maintain an average 10-foot (minimum 5-foot) sideyard setback; no sideyard setback is required if side walls have no openings. All development should maintain a 25-foot rear setback, except nonresidential development may employ a reduced setback adjacent to properties that are not reasonably expected to develop with residential uses.

Nonresidential entrances, primary activities and service activities should be oriented, to the extent possible, away from residential buildings and properties with some realistic expectation of future residential development. New residential development, on the other hand, should take the responsibility of mitigating, to the greatest extent possible, any potential negative impacts of one use on the other. Potential mitigation measures to be employed by both residential and nonresidential development include: increased setbacks, masonry walls, landscaping, parking facilities, minimum or no side or rear wall openings, and generally orienting incompatible activities away from each other. Separation may be achieved vertically as well as horizontally.

Setback Between Residential and Railroad

Tracks: Any residential development which occurs within the area should be set back from active railroad tracks (i.e., heavy freight or passenger rail) by a minimum of 100 feet, subject to mitigating measures. This setback should may be reduced if it can be demonstrated that the project includes adequate mitigations to protect the uses from vibration and noise impacts. In addition, screening treatments, ~~including an eight-foot tall sound wall with adjacent tall and densely planted trees,~~ should be provided parallel with the rail corridor.

Commercial Street Frontage Treatment

Storefront Treatment and Materials: As the base of commercial and mixed-use development, commercial uses should be articulated as a distinct part of the building facade, with materials and treatments that offer visual interest to the pedestrian. Materials along storefronts should be carefully selected to be of a high quality and appropriate to the pedestrian realm. The use of materials such as stone, tile, masonry and terra cotta, which are pleasant to the touch and offer color and variation, is encouraged. Building walls at the street level and facing the public pedestrian plaza should be open and transparent to the maximum extent practical. The ground level should achieve maximum transparency, avoiding areas of blank walls. Clear, untinted glass should be used to allow for maximum visual interaction between public areas and the activities within. The use of awnings is encouraged to provide shelter and shade along storefronts.

Orientation and Frequency of Entries:

All commercial uses should have their primary entrances oriented to the street or the public plaza. To the extent practical, such entries should be located within 50 feet of one another to avoid long expanses of inactive frontage.

Architectural Treatment and Materials

Articulation of Building Plane and Silhouette:

The architectural treatment of commercial and mixed-use/residential buildings should be highly varied and articulated, avoiding the appearance of monolithic projects. Variations in building plane, colors and/or materials, and the use of bay windows, dormers, balconies, chimneys and sloping roofs, are encouraged as appropriate to the particular building type. The use of beltcourses, mouldings, and other architectural elements that provide surface relief is also encouraged.

High Quality Window Treatments:

Fenestration of all buildings should employ a punctured wall treatment, with high quality window casings that are recessed from the building face to provide shade and detail.

Articulated Roof Treatment: Roofs should be treated as a distinct architectural element of the buildings; pitched and gabled roofs, dormers and/or projections such as cornices and brackets are strongly recommended to create a distinctive silhouette. Mechanical equipment should be concealed from view through roof design that is architecturally integrated with the remainder of the building.

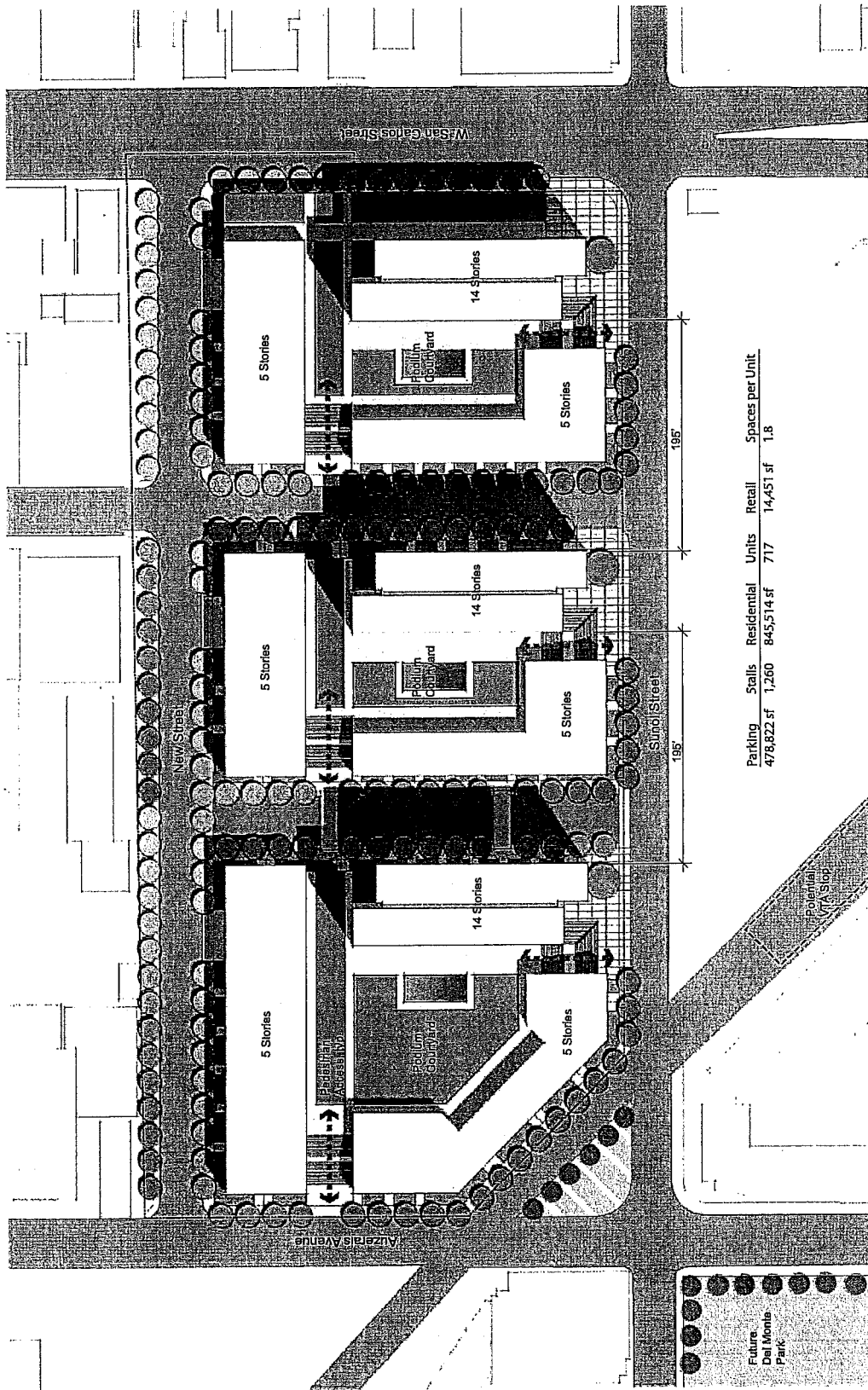
Building Materials: Buildings should convey solidity and durability, and employ high quality materials that are in keeping with their character and type. Acceptable materials for commercial and mixed-use buildings within this area include precast concrete (GFRC), plaster and masonry. For all building types, high quality materials (e.g., stone, tile, terra cotta, precast concrete) should be introduced at the ground level. The use of these materials is also encouraged for other architectural elements on the facade (e.g., beltcourses, mouldings, etc.) to provide accents.

PROPOSED GENERAL PLAN TEXT AMENDMENT

The following text change should be made on page 190, paragraph 2, in Chapter V. Land Use/Transportation Diagram, Special Strategy Areas, Midtown Planned Community:

Mixed Use #2 (Area south of West San Carlos Street on both sides of Sunol Street): This area is adjacent to the Vasona Light Rail Corridor and is characterized by large parcels and few property owners. The development potential of this area is 240 to 370 dwelling units, 60,000 square feet of retail/restaurant/entertainment uses, and 40,000 square feet of office uses. These uses can be configured in a number of ways: integrated retail and residential projects; stacked residential, office, and retail uses; or individual buildings with single uses. Retail uses are encouraged along West San Carlos Street to strengthen the Neighborhood Business District. Building heights cannot exceed 90 feet.

For the site located on the southwest corner of West San Carlos and Sunol Streets the Mixed Use designation allows residential development at a density of 40-125 DU/AC and commercial development. Building heights cannot exceed 150 feet, or the maximum allowed By applicable FAA regulations.



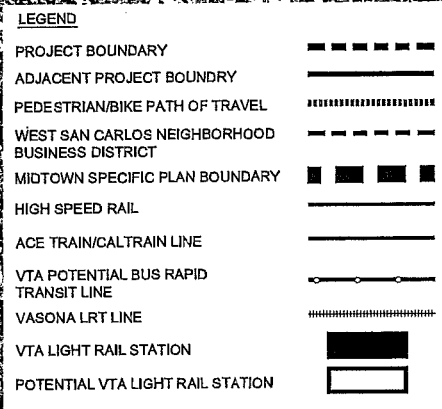
Parking	Stalls	Residential	Units	Retail	Spaces per Unit
478,822 sf	1,260	845,514 sf	717	14,451 sf	1.8

OHLONE MIXED-USE San José, California

REPUBLICAN URBAN PROPERTIES LLC
 VICTORIA WILSON

Steinberg Architects





November 16, 2009

Honorable Mayor and City Council
City of San José
200 East Santa Clara Street
San José, California 95113

Subject: Fall 2009 – General Plan Amendments

Dear Honorable Mayor and City Council:

The Parks and Recreation Commission (hereinafter "Commission") reviewed ten (10) proposed Fall 2009 General Plan Amendments pertaining to future residential projects at the Commission's regular business meeting on November 4, 2009. The projects were reviewed for compliance with park and recreation related policies in the General Plan, Municipal Ordinances regarding Parkland Impact and Parkland Dedication (14.25 and 19.38) and the goals of the *Draft Greenprint 2009 Update*.

Table 1. General Plan Amendment Applications Reviewed by Commission

File Number	Project Name	Comments
GP07-10-01	Mazzone	Request to change Land Use designation from VLDR (2 DU/AC) to MDR (8 DU/AC). See (1) below.
GP08-07-04	Markham	N/A
GP08-08-04	Cadwallader	N/A
GP09-T-01	Ohlone	Request to change the Midtown Specific Plan text to increase density from 100 DU/AC to 125 DU/AC, height from 90 ft. to 160 ft. and modify setbacks. See (2) below.
GP09-08-02	Quimby	N/A
GPT09-08-01	Evergreen Village Center	N/A
GP09-T-04	Hacienda Gardens	General Plan Text Amendment to change the residential portion of Mixed Use #13 designation from 12-25 units per acres to 25-50 dwelling units per acre. See (3) below.
GP09-08-04	Arcadia	N/A
GP08-04-04	Oakland Road	N/A
GP09-04-02	Cisco	N/A

The Commission finds that the General Plan Amendment applications reviewed meet standard for park and recreation service levels so long as they comply with the Parkland Impact and Dedication Ordinances except for three (3) exceptions noted in Table 1 and discussed below.

- 1) **GP08-10-01 (Mazzone):** The Commission recommends a 100' setback from the riparian corridor along Los Alamitos Creek be required as part of any future development on the site. A nine-unit residential project, Planned Development Rezoning file no. PDC07-058 is currently on file and under review.
- 2) **GP09-T-01 (Ohlone):** Park service levels can be satisfied with conformance to the Park Dedication Ordinance for this project. The Commission recommends, however, that particular consideration be given to how this amendment conforms to the Midtown Specific Plan and could potentially lead to quality-of-life impacts in the surrounding neighborhood.
- 3) **GP09-T-04 (Hacienda Gardens):** This project is located in the Cambrian Planning Area very near an "underserved area" as identified in the *Draft Greenprint 2009 Update*. Therefore, it is recommended that land dedication for a new park, rather than payment of in-lieu fees, be required as part of residential development applications associated with this amendment.

The Parks and Recreation Commission will be glad to answer any questions the City Council may have regarding these recommendations.

Sincerely,



David M. Flaugh, Chair
Parks and Recreation Commission

c: Jim Zito, Chair, Planning Commission
Albert Balagso, Director, PRNS
Joe Horwedel, Director, PBCE



Willow Glen Neighborhood Association

P. O. Box 7706,
San Jose CA 95150
408/294-WGNA
www.WGNA.net

November 16, 2009

To: Sally Zarnowitz, Project Manager
San Jose City Planning Department
City of San Jose
200 East Santa Clara Street
San Jose, California 95113

Re: GP09-T-01, Ohlone, D-6 TOD Project

Dear Sally,

We must reduce automobile dependence. We must support and enhance multi-modal public transportation and minimize impacts of growth on existing community character while protecting the area's quality of life. Mounting traffic congestion, diminishing affordable housing, receding open space, existing urban sprawl, air pollution and threatened wildlife along our trails, creeks and trails are at crisis levels.

At the heart of well-designed and desirable TOD development is a Sense of Place, Economic Sustainability and Quality of Life (QOL).

GP09-T-01 fails to meet those high standards and best design practices for building a community of 800 residential units and nearly 2,000 residents. It's a Housing Project; leaving adequate transit, adequate commercial mixed-use space, park and recreation space and a desirable sense of place to someone else in another time... maybe.

The fundamental principles of the Midtown Plan (MSP) are sound. Urban density requirements and need for TOD are fully understood. We accept and support that. Sacrificing QOL, Economic Sustainability and Sense of Place is unacceptable. It is unfair to the future 2,000 or so residents of this development and the nearby neighborhoods.

Midtown Specific Plan issues:

The Midtown Specific Plan is a successful model of an integrated planning process involving neighborhoods, business community and City staff.

- Lack of or elimination of adequate ground and lower floor(s) commercial, office and live-work space essential to economic sustainability and resident convenience.
- Reduction of sidewalk widths and ground level structure setbacks offering a more welcoming pedestrian-friendly sense of place and safe passage.

General:

- Toxic soils under and around the project grounds and acceptable means of removal and or mitigation. (soil samples included 6 different types of dangerous chemicals)

- Toxic soils in space reserved for Park Land dedication; and public discussion regarding mitigation options and costs, and the City's position and resolutions of this.

Text Amendment issues: and DEVELOPMENT STANDARDS

Text Amendment changes recommended in Draft EIR were not covered in public meetings with the developer and should require more thorough outreach with the public.

Text Changes deleting the San Carlos Light Rail Station could lessen residential and commercial unit market value and in turn its reduce its marketability as sought-after TOD space. Deleting this station could encourage residents to use their cars, not ride a buss.

Text changes to the plan that are this significant should have significant public weigh in.

- No flat walls facing prevailing winds. VTA has problems with winds with their rail crossing arms.
- Maximize commercial/retail FAR (Floor Area Ratio) for potential commercial and economic value.
- 40-100 dwelling units to the acre, (net)
- Orient building to face San Carlos light rail station
- Project should adhere to OEI Standards (One Engine Inopporative) as recommended by ALUC (Airport Land Use Commission) stated in the draft S.J. Airport Plan 08/04/2009
- Parking total to match phasing of project
- Sunol step-up set back +10 feet, +10 feet of side walk to promote safe passage.
- San Carlos Step-up set back +10 feet, +10 feet of sidewalk to promote safe passage
- Maximize Bike standards: Secure weatherproof storage for both commute and recreational bikes for each dwelling unit. Secure visitor/guest bike storage
- Overbuild the parking to acknowledge transition time for increased transit use to position the parking space for conversion to public park space over a phased period of time.

Discussion:

Commercial and Live-Work Space: The MidTown Specific Plan calls for 100,000 sq. ft. of retail with a 100 ft set backs. The Project was discussed and showing 30,00 sq. ft. Text Amendment reduced this to 15,000 sq. ft. of retail.

Deletion of "Work Space 15,000 square feet" was not noted in public meetings. Our City needs retail and live-work space to generate revenue for city core services.

Design: In our first meeting at Lincoln High School, the we were told this project would be "world class". The architectural features of this design should be visually interesting. It is important to identify the geographic, demographic and social characteristics of the local neighborhood; and reflect notable architectural features evident in older nearby neighborhoods.

Soil: Samples were taken after we were given the EIR and they reflect contaminated dirt with over six carcinogens. The Toxic substance report showed high levels of Arsenic on both the planned development site and especially on the site planned for the future Del Monte Park.

Height: All three towers violate the MSP height Standard of 90 feet and project heights of 160 feet. These changes challenge the economic viability and success of the new San Jose International Airport expansion. The heights of all three towers raise serious questions with respect to "OEI" standard. Should an engine fail as a large jet departs southerly loaded with fuel

and passengers the aircraft could crash at the proposed development and cause a serious loss of life for many passengers and residents living in the Midtown area.

History: "Tamien Station Towers development was promoted to be a well designed TOD. However this project has not raised transit usage and it has Caltrain and Light Rail service. Properly time phased with mixed use commercial and live-work space, parks and other QOL amenities, this may have lived up to its billing; even while people are downsizing during economic hard times.

Ohlone Project: Without a nearby Lt Rail station, safe walkable means to needed services, park and recreational grounds and other QOL amenities, this project could easily be perceived as the next Tamien Towers.

Designed and built in spirit and of a MidTown sustainable full service livable community, it could be viewed as the cornerstone of TOD setting the standards for the World Class City San Jose envisions.

We Request the acceptance of the EIR for this project GP09-T-01 be deferred until the public fully understands the intent of the text amendment changes. Or, separate the DEIR the draft dialog from the MidTown Text Amendment change to allow for further public involvement.

Sincerely,

// Richard Zappelli //

Richard Zappelli,
Chair Planning and Land Use Committee
Willow Glen Neighborhood Association

cc: Honorable Mayor
Council member Pierluigi Oliverio
Joseph Horwedel, Director, Planning, Building and Code Enforcement
Thang Do, Chair, Planning Commission
Members, Planning Commission
Office of the City Clerk, San Jose, CA cityclerk@sanjoseca.gov

RZ/dd

Zarnowitz, Sally

From: Terri Balandra [tbalandra@apr.com]
Sent: Sunday, November 15, 2009 9:51 PM
To: xavierc@macsa.org; zitojf@appliedbiosystems.com; jensenLa99@yahoo.com; hopecahan@mac.com; mkamkar7@gmail.com; tdo@aedisgroup.com
Cc: Horwedel, Joseph; Prevetti, Laurel; Zarnowitz, Sally; City Clerk
Subject: Agenda Item 6a, Ohlone PDC08-061 and GP09-T-01

Attachments: 4.21.09 ARC Meeting.pdf



4.21.09 ARC
Meeting.pdf (74 KB..)

Planning Commissioners;

Re: 11.18.2009, Agenda Item 6a, Ohlone Towers EIR & GP Text Amendment
* My two pages of minutes from the A.R.C. Meeting I attended, are attached above.

After receiving the answers to my DEIR questions on Nov 9th, it still leaves me with questions:

1) Three professional architects stated that the three repetitive high-rise towers in a row, remind them of the Projects in Chicago. They said the Applicant needed to go back to the drawing board... and yet, I don't believe we've seen a new drawing with different orientations of the footprints of each of the towers.
- The answer I received from my second DEIR question was "The circulation pattern on the site will not change". Does that mean that the three repetitive buildings, "in a row", the same three footprints - still remains? Why wasn't it changed per the three architects recommendation?
- "The design aspects of three buildings in a row, will be revised in the next round of designs..." Does this mean the repetitive three buildings in a row will remain, but just their facades will be different?

2) Once the OEI Policy of the Aug 4th, 2009 Airport Land Use Committee of SJO was released, it appears that the tower heights will need to be adjusted. At what point will the project need to be redesigned to reflect that?
- Will the OEI determinations take place before the PD process, so plans can be adjusted accordingly?
- OEI safety zones have different criteria than a FAA "No Hazard Determination", presently required by the Planning Dept. It seems each Airline determines what's best for their own fleet's safety zones. Exactly "when" in this Planning Process, will the differing OEI determinations be dealt with?
- If Tower building heights need to be lowered with OEI restrictions, the project becomes more dense, and starts to look and feel different... Will the Community be able to "weigh-in" on the new and different development plans and setbacks, if that is the case?

3) It seems there will need to be some extensive environmental clean-up of the dedicated Park property.
Will the applicant be financially responsible for all remedial clean-up on the dedicated Park property?

General Plan Text Amendments to the Midtown Specific Plan (MSP) :

4) It seems Live/Work units are "crossed out" of the new GP Text Amendment.
Will the Ohlone Project have 15,000 sq ft of Retail AND 15,000 sq ft of Live/Work that can be later converted into retail?
Or, will the Ohlone Project really have 30,000 sq ft of Retail?
Or, will the Ohlone Project only really have 15,000 sq ft of Retail?

5) After the many years of Community involvement in forming the Midtown Specific Plan, why has the MSP been so blatantly challenged and rewritten, it seems specifically for this

project, with very little Public Outreach on the significant changes to the MSP?

- Why not separate the Ohlone Towers from the General Plan Text Amendment portion, so the Community can "weigh-in" on the changes you are making to the MSP? After so many years of thoughtful planning, the MSP is a Plan the Community feels is "their own". It seems disrespectful to the Community, to "change the Plan" without any real Public Outreach.

6) How many successful TODs of this size, has this project compared to?

Tamien Tower was supposed to be a TOD - it's practically sitting on top of a light-rail station.

- How successful has this project been for VTA ridership?
- What is the ratio of "VTA riders to drivers" for the Tamien Tower population over the years?
- How can that information carry over to the parking ratios at the Ohlone Project?
- Can this project plan on more parking spaces, which can later be reused as an "open space" (like a plaza or park)?

The Midtown Specific Plan was designed by a working Partnership of the surrounding Community and the City, over many years. It is instrumental in planning the Future of Midtown development.

- If City Officials and Planners believe the MSP needs updating, why not go back to the "Partnership with the Community" to make the necessary changes? - The same stakeholder Community who are "in the trenches", are living in close proximity to this development, and expected to deal with its challenges on a daily basis.

It seems like it's time to sit down and plan for the future together, instead of "changing the rules" without actively engaging the Community that helped write them...

Respectfully;

Terri Balandra
D6 Neighborhood Planning and Land Use
Fiesta Lanes Action Group

ARC: Ohlone Project Architectural Review Committee, W.San Carlos St / Sunol St.
April 21, Tues, 2009, 6:30pm-7:40pm, Rm T-332, San Jose City Hall

Present:

City Planners: Mike Enderby & Darryl Boyd

Michael Van Every & Team

Todd Triphel, Barry Swenson Group

ARC Architect Review Committee: Alex Seidel, Ellen Lou, John Miller

Project was presented by Rob Zirckle, designer for Green Republic LLP

He stated original concept was 12-20 stories high with 1100 units, and he was on the "39th frame", after designing this project many different ways.

This concept has 30,000sf retail...but near the end of the presentation, he proposed that half of the retail, (15,000sf), would be live/work spaces with high ceilings that could LATER be turned into retail, if needed.

Mike Enderby stated it would need a General Plan Amendment, but that "Mid-Town was the best potential candidate to accommodate 170,000 new housing units needed by 2040". (YIKES!!!)

Ellen Lou asked what type of Policy are they proposing to "protect the public realm" from future high rises in this Amendment? (I wanted to hug her!) Darryl Boyd said they were kicking around a "formula" that only a certain percentage of high heights can be in the box. That they will be encouraging a variety of heights in each project.

It turns out, that all the architects weren't so concerned about "heights", but ALL THREE did not like the modular, three repetitive slab towers, lined in a row. They wanted a variety of heights, the buildings arranged differently, and more "public accessible space".

Some comments from the three architects:

- Purpose for 3 towers lined in a rigid pattern? Need richer texture, "open up" the box. Current project doesn't enhance views for project residents.
- Needs character & variety.
- The current model looks all "slab, modular, & repetitive like the "mid-west projects". One noted "repetitive block construction in our area, scare people".
- The W.San Carlos St façade is very important- that this is a good opportunity to design the W.San Carlos side of the project really, really well. They all thought that the current proposal looks like "the W. San Carlos St. side" looks just "another side of the project", - rather than something "precedent setting" like a Public Corridor showcase. They all feel this will be the gateway to future high-rise possibilities and it needs to be done well.
- This proposal doesn't relate to the Guidelines or the Neighborhood - so they are judging the merits of the actual project.

Ellen Lou said she's waiting to see the plans once it "comes back", because it always "changes" - she wishes for this project to set a "High Standard" for this side of town. She

suggested the three different offices of Green Republic to each design one of the towers, so the project would be interesting with a rich variety of heights & character for each tower. (MVE & crew were a bit "taken back" by that suggestion!).

Mike Enderby recapped & said the Staff will be putting together a "comment sheet" in two weeks, to be sent to MVE.

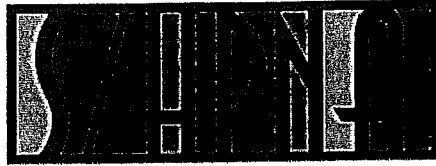
- 1) Concerns over 3 matching "sets" of towers
- 2) Pattern too repetitive – stagger them with greater variations in height.
- 3) Liked the larger setback from W. San Carlos St. frontage
- 4) Would like to see a "formula" with larger setbacks for higher heights
- 5) Current project too massive
- 6) Liked suggestion of a PD Policy of varying heights in each individual project for more character
- 7) Larger Public Space needed
- 8) Raised platform plaza to look more like a "publicly accessible" area – than a private development space

My take:

I think MVE & crew were pretty disappointed & a bit stunned. I believe, although the architects liked some aspects of some features, it sounds like they're sending them back to the drawing board. All three architects said they DO NOT want to see a slab, modular, massive, uninteresting project in such a "precedent setting" area that future high-rises will be compared to. Ellen Lou, repeated, she's tired of seeing projects "change" by the time they're built. She said she doesn't want to see a Valley of 30 story high, "block buildings", all the same, as she did in China – having just returned from a trip. She said we have a great opportunity to build a really good project.

I was very pleased at what I heard in the one hour & ten minute Ohlone Project meeting... (All except "even higher heights", as long as it's a good project design with varying building heights.)

Terri Balandra, F.L.A.G.
408.309.3711 cell
tbalandr@apr.com



Shasta/Hanchett Park Neighborhood Association

P.O. Box 28634 • San José, CA 95159 • info@shpna.org • www.shpna.org

November 15, 2009

Attention: Mr. Thang Do
Chair, San Jose Planning Commission
200 East Santa Clara St., 3rd Floor Tower
San Jose, CA 95113

Re: GP09-T-01/Draft Environmental Review

Dear Chair Do and Members of the Commission,

On behalf of the Shasta Hanchett Park Neighborhood Association, we formally request deferral of the acceptance of the Ohlone Mixed-Use DEIR and General Plan Text Amendment/PD Rezoning (PDC08-061) until new information presented in the 1st amendment of the DEIR is presented to the public for adequate comment. At the very least the Ohlone Mixed Use DEIR and concurrent request for text amendment change to the Midtown Specific Plan and PD rezoning should be separated for full review by the greater community.

The Midtown Specific Plan (MSP) is a successful model of an integrated planning process that involved neighborhood, business community and City planning staff. The proposed text changes recommended in the document were not covered in any of the public meetings with the developer and should require more outreach with the greater public. (This single development project as stated in planning staff's report state this project is an investment catalyst and is a significant a change to the MSP and should be given a higher level of discussion prior to any approval.) The MSP calls for the Vasona Sub Area to be a Place-making Transit Node with a vibrant pedestrian plaza and open walkways that would be a destination to attract people from across the City via public transportation.

While we agree this site is suitable for high-density transit orientated development – its primary focus must be to encourage its residents to use public transportation. We are concerned that the Ohlone project won't live up to the expectation set. Will this project mirror the outcome of the Tamien Towers? If the intent is to get people out of their cars then we expect the standards of a transit-orientated development to accomplish this by setting a higher standard than previously established in the City of San Jose. For example, the Tamien towers development was promoted as well designed transit-orientated development. However this project is not significantly raising transit usage. What will lead us to believe that the Ohlone project will do the same with even less proximity to transit or light rail? There is no assurance that the Light Rail station is funded since it is not even outlined in the Valley Transportation Plan 2035. Reducing parking must be tied to the roll out of transit because without the transit people will still drive their cars. If we are to wait for transit opportunities to become available

then more parking options should be created keeping in mind that more of the project can be phased in after the transit comes online, so the building density evolves with the transit options.

We would ask you to evaluate the success of similar TOD projects before approving this one based on facts not assumptions. We believe it is possible to achieve density at greater rate and demonstrate a public benefit and keep to the human scale of the project that allows people to meet one another in common areas, which is in sharp contrast to Tamien where tenants must drive into their underground parking, ride the elevator up to their units, then open and close their front doors.

Another serious concern is the findings of contaminated soil within the property designated for a public park on the southeast corner of Auzerais and Sunol. The soil samplings were taken on October 28 and 29, 2009 weeks after the comment deadline for the formal EIR review process. Does the City have the resources to accept the land dedication of parkland that will require significant soil remediation? The surrounding community is significantly park deficient and is in critical need of open space. How long would it be before the City would deem this land useable? We cannot in good faith add to the Cities' existing financial burdens by accepting land that would require significant clean up. It is extremely important that viable parkland be made part of this project at the beginning in order for it to be successful and meet the cities livability goals. Accepting land now that could be tainted may produce unintended financial and health consequences (ie Watson park.)

We are looking for a successful project that will set an exemplary standard for future projects in the Midtown Area and the City. If this project is based on the transit village concept/vision as discussed by the General Plan Task force then the public needs a comprehensive review process, since the Envision San Jose 2040 has not completed the Environment review process in order to move forward with any implementation of projects. The Midtown Specific Plan and subsequent plans as mentioned by planning staff took time to develop and received the support of the neighborhoods. Why the need to push aside the original intent of the plan to move forward with the project?

In conclusion we cannot support this project at this time until further refinement takes place and many of our questions are answered. We look forward continue to work with you as this project progresses.

Regards,



On behalf of the Board of Directors,
Shasta Hanchett Park Neighborhood Association

Addendum to GP09-T-01/Draft Environmental Review comments

We recommend the following standards be included to cultivate the vision of well-designed transit orientated development.

1. No Flat walls facing prevailing winds
2. Maximize FAR for potential commercial/retail use
3. 40 – 100 Dwelling Unit to the Acre
4. Orient building to face the future light rail station
5. Project should adhere OEI standards as recommended by ALUC stated in the draft S. J. Airport Plan (8/4/2009)
6. Parking ratio to match phasing of project
7. Step up set back on Sunol + 15 ft of set back + sidewalk to promote safe passage
8. Step up set back on West Carlos 15 ft of set back + sidewalk to promote safe passage
9. Maximize Bike parking standards
10. Over build the parking to acknowledge transition time for increased transit use to position the parking space for conversion to public park space over a phased period of time.